



17114 U.S. PTO

11/14/03

PTO/SB/03A (05-03)

Approved for use through 5/31/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (CFR 1.63) FOR PLANT APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention

PLANT 'Morris' cultivar of *Taxodium ascendens*

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☒ The attached application, or☐ Application No. _____ filed on _____☐ as amended on _____ (if application);

I/we believe that I/we am/ are the original and first inventor(s) of the new and distinct variety of plant which is claimed and for which a plant patent is sought;

I/we have asexually reproduced the plant to which this application applies;

☒ The plant was found in a cultivated area (check this box for a newly found plant only);

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclosure to the United State Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)Inventor one: EARL CULLYSignature: Earl Cully Citizen of: United States of America

Inventor two: _____

Signature: _____ Citizen of: _____

Inventor three: _____

Signature: _____ Citizen of: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 37 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

17114
111403

Applicant: Earl CULLY
Serial No: Not yet assigned
Filed: Concurrently herewith
For: Pond Cypress Tree named 'Morris'

Attorney Docket No. _____

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27(c))
SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN **HERITAGE TREES, INC.**
ADDRESS OF CONCERN **846 Hoagland Road, Jacksonville, IL 62650**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **Pond Cypress Tree named 'Morris'** by inventor(s) Earl CULLY described in

- ☒ the specification filed herewith
☐ application serial no.
☐ patent no., issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities: (37 CFR 1.27)

Full Name
Address

- ☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Full Name
Address

- ☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate: (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

| | |
|-----------------------------------|---|
| Name of Person Signing: | Earl CULLY |
| Title of Person Other than Owner: | President |
| Address of Person Signing: | 846 Hoagland Road, Jacksonville, Illin is 62650 |
| Signature: | <i>Earl Cully</i> Date: 10/21/03 10/21/03 |

Oath of Declaration

5 I, as a below named inventor, hereby declare that all statements
made herein of my own knowledge are true, and that all statements made
on information and belief are believed to be true; and further, that these
statements were made with the knowledge that willful false statements and
the like so made are punishable by fine or imprisonment, or both, under
Section 1001 of Title 18 of the United States Code, and that such willful
false statements may jeopardize the validity of the application or any
10 patent issued thereon.

Full name of Sole or First Inventor Earl CULLY
Inventor's Signature _____
15 Date _____
Residence Address Jacksonville, Illinois
Citizenship U.S.A.
Post Office Address 846 Hoagland Rd.
Jacksonville, IL 62650

20

25

30

35